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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,195	04/12/2004	Wayne Clifton Augustus Wright	1182-24	4040

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EXAMINER	
NGUYEN, XUAN LAN T	

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/823,195	WRIGHT ET AL.	
	Examiner	Art Unit	
	Lan Nguyen	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22,23,25-32,34-39 and 54-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22,23,25-32,34-39 and 54-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/581,378.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 22, 23, 25-32, 34-39 and 55-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (USP 5,295,760) in view of Evans.

Re: claims 22, 23, 25, 26, 27, 29, 55, 56 and 57, Rowe shows a fitting, as in the claimed invention, said fitting comprising: a tubular sleeve 12 passing through the opening of wall 58 of a petroleum man hole with pipe 60 passing through said sleeve; a rigid, flat and planar flange 28 extending radially from said sleeve, a first surface of the flange being configured to seal the chamber wall around substantially the whole circumference of the opening and over substantially the whole first surface of the flange; wherein said sleeve is extending only on one side of said flange, said fitting being adapted to be positioned on one side said wall as shown. Rowe's fitting employs gasket 14 to seal the fitting to the wall. Claim 22 requires a seal using electric current. Evans teaches in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals. Evans further teaches in the Abstract the material for use

as a heat activated adhesive to be a thermoplastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Evans teaching of the use of a thermoplastic material being activated by a current to provide a tight adhesion between the flange and the wall of Rowe's system; since heat activated thermoplastic materials are well known to provide a uniform and excellent fluid and gas sealing means as taught by Evans.

Re: claims 28, Rowe shows the sleeve is of a circular cross section and the flange is radial.

Re: claims 30 and 31, Rowe shows sealing member 22 to be resilient and is providing a fluid tight connection between the sleeve 12 and the pipe 60 wherein sealing member 22 is mounting over the extension of the tubular sleeve 12.

Re: claims 32, 34-39, 58 and 59, Rowe shows a method of forming a seal between an opening in a chamber wall of a subterranean fuel tank and manhole and a pipe passing through said opening, as in the present invention, the method comprising the steps of: applying a fitting to the pipe, said fitting comprising: a tubular sleeve 12 passing through the opening with pipe 60 passing through said sleeve; a rigid, flat and planar flange 28 extending radially from said sleeve, a first surface of the flange being configured to seal the chamber wall around substantially the whole circumference of the opening and over substantially the whole first surface of the flange; wherein said sleeve is extending from only one side of said flange, said fitting being adapted to be positioned on one side of said wall; applying a sealing member 22 to form a fluid tight connection between the sleeve and the pipe. Rowe's method provides a seal with

gasket 14. Claim 32 requires a sealing step with electric current. Evans teaches in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals. Evans further teaches in the Abstract the material for use as a heat activated adhesive to be a thermoplastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Evans teaching of the use of a thermoplastic material being activated by a current to provide a tight adhesion between the flange and the wall of Rowe's method; since heat activated thermoplastic materials are well known to provide a uniform and excellent fluid and gas tight sealing means as taught by Evans.

3. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavin (USP 5,655,564) in view of Evans.

Re: claim 54, Gavin shows a fitting 130 for providing a substantially fluid-tight seal between an opening in a chamber wall 102 and a pipe 156 passing through said opening, as in the present invention in figures 7- 11, said fitting comprising: a tubular sleeve 146 passing through the opening with pipe 156 passing through said sleeve; a rigid, flat and planar flange 140 extending radially from said sleeve, a first surface 138 of the flange being configured to contact the chamber wall around substantially the whole circumference of the opening and over substantially the whole first surface of the flange; an energy means ... to heat the first surface of the flange in order to form a substantially fluid tight seal between the wall and the flange, column 6, lines 44-46; wherein said sleeve is extending from both sides of said flange, said flange can be positioned either

outside or inside of said wall, see figures 7-11. Note the phrase "adapted for use" in the preamble is considered as an intended use only. Gavin's fitting is capable of being adapted to providing a seal as claimed. Gavin's fitting is silent of an energy transfer means. Evans shows in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals. Evans further teaches in the Abstract the material for use as a heat activated adhesive to be a thermoplastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Evans teaching of the use of a thermoplastic material being activated by a current to provide a tight adhesion between the flange and the wall of Gavin's system; since heat activated thermoplastic materials are well known to provide uniform and effective fluid tight sealing means as taught by Evans.

4. Claims 60, 61, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (USP 5,295,760) in view of Evans and further in view of Carlesimo.

Re: claim 60, Rowe shows a method of forming a seal between an opening in a chamber wall of a subterranean fuel tank and manhole and a pipe passing through said opening, as in the present invention, the method comprising the steps of: applying a fitting to the pipe, said fitting comprising: a tubular sleeve 12 passing through the opening with pipe 60 passing through said sleeve; a rigid, flat and planar flange 28 extending radially from said sleeve, a first surface of the flange being configured to seal the chamber wall around substantially the whole circumference of the opening and over

substantially the whole first surface of the flange; wherein said sleeve is extending from only one side of said flange, said fitting being adapted to be positioned on one side of said wall; applying a sealing member 22 to form a fluid tight connection between the sleeve and the pipe. Rowe's method provides a seal with gasket 14. Claim 32 requires a sealing step with electric current. Evans teaches in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals. Evans further teaches in the Abstract the material for use as a heat activated adhesive to be a thermoplastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Evans teaching of the use of a thermoplastic material being activated by a current to provide a tight adhesion between the flange and the wall of Rowe's method; since heat activated thermoplastic materials are well known to provide a uniform and excellent fluid and gas tight sealing means as taught by Evans. Rowe shows the tubular sleeve extending only on one side of the flange while claim 60 requires the sleeve to extend from both sides of the flange. Carlesimo teaches in figures 2, 5, 7 and 8 that for a fitting, having the sleeve to extend either on one side or both side, is a matter of preference and would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Rowe's sleeve to extend from both sides of the flange as a matter of preference.

Re: claims 61-63, Rowe shows a fitting, as in the claimed invention, said fitting comprising: a tubular sleeve 12 passing through the opening of wall 58 of a petroleum man hole with pipe 60 passing through said sleeve; a rigid, flat and planar flange 28

extending radially from said sleeve, a first surface of the flange being configured to seal the chamber wall around substantially the whole circumference of the opening and over substantially the whole first surface of the flange; wherein said sleeve is extending only on one side of said flange, said fitting being adapted to be positioned on one side said wall as shown. Rowe's fitting employs gasket 14 to seal the fitting to the wall. Claim 22 requires a seal using electric current. Evans teaches in figure 4 energy transfer means 24, 26, 21 for conducting an electric current; where 21 is the heating wire being embedded in the first surface of flange 16; and 24, 26 are the terminals. Evans further teaches in the Abstract the material for use as a heat activated adhesive to be a thermoplastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Evans teaching of the use of a thermoplastic material being activated by a current to provide a tight adhesion between the flange and the wall of Rowe's system; since heat activated thermoplastic materials are well known to provide a uniform and excellent fluid and gas sealing means as taught by Evans. Rowe shows the tubular sleeve extending only on one side of the flange while claim 60 requires the sleeve to extend from both sides of the flange. Carlesimo teaches in figures 2, 5, 7 and 8 that for a fitting, having the sleeve to extend either on one side or both side, is a matter of preference and would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Rowe's sleeve to extend from both sides of the flange as a matter of preference.

Response to Arguments

5. Applicant's arguments with respect to the claims, except for claim 54, have been considered but are moot in view of the new ground(s) of rejection. The rejection of claim 54 is maintained since claim 54 still comprises the phrase "adapted for use".

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weagant, Oikawa et al. and Rowe are cited for fittings with rubber boots.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

